

**United States Environmental Protection Agency Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733**

**CONSENT  
FOR ENTRY AND ACCESS TO PROPERTY,  
AND  
SAMPLING OF CHAT**

This Consent for Entry applies to the \_\_\_\_\_ allotment, described in the attached addendum and the chat located thereon.

**I HEREBY CONSENT** as [initial one blank] \_\_\_\_\_ **property owner, \_\_\_\_\_ chat owner, \_\_\_\_\_ both chat owner and property owner** to officers, employees and parties authorized by the U.S. Environmental Protection Agency (EPA), the Department of the Interior (DOI) and its agency representatives, and representatives of the Quapaw Tribe of Oklahoma entering and having continued access to the property described above at reasonable times, provided such times are not earlier than 30 minutes after official sunrise and not later than 30 minutes before official sunset, as defined for Miami, Oklahoma, by the National Weather Service Forecast Office in Tulsa, Oklahoma, for the following remediation related purposes within the scope of EPA's February 20, 2008, Record of Decision for Operable Unit 4 of the Tar Creek Superfund Site (ROD), and provided that no actions taken by EPA or its agents shall conflict with an approved chat sales contract, existing or executed for the property, hereafter:

- Determining the volume of mill tailings known as "chat" and other contaminated mining or milling waste on the property;
- Taking photographs or digital recordings of the mining or milling waste including chat deposits, and taking photographs or digital recordings of EPA's sampling activities on the property;
- Sampling the chat deposits, other mining and milling waste, and surface soil on the property by removing small quantities, not to exceed [EPA to provide specific quantity or percentage of total], of those materials from the property for laboratory analysis (the purpose of this sampling is to determine quality of chat for determining value, and for purposes of segregation and consolidation and to determine whether lead concentrations in the materials exceed the remediation goals identified in EPA's February 20, 2008, Record of Decision for Operable Unit 4 of the Tar Creek Superfund Site (hereinafter the "ROD") (the ROD is available on the internet at [http://www.epa.gov/earth1r6/6sf/pdf/files/rod\\_tarcreek\\_ou4\\_final022008.pdf](http://www.epa.gov/earth1r6/6sf/pdf/files/rod_tarcreek_ou4_final022008.pdf)); and
- Estimating the total volume of chat **that is planned to be removed from the** property (this information will be provided to the property owner and chat owner(s), the Quapaw Tribe of Oklahoma, and to the Bureau of Indian Affairs);

I realize that these actions are undertaken pursuant to EPA's response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Sections 9601-9675. I understand that the EPA will not compensate me for any chat that is taken by EPA for sampling pursuant to this agreement. This written permission is given by me voluntarily with the knowledge of my right to refuse and without threats or promises of any kind other than those specified in this agreement. I undertand that EPA will be responsible for the disposal of any substances or materials taken from the property for sampling and that I will not be responsible for any damages of any kind that may result from such disposal. I further understand that EPA, EPA's contractors, and EPA's agents waive any and all claims against me incident to EPA's, EPA's contractors, and EPA's agents entry onto the property and any and all activities undertaken pursuant to this Agreement.

This agreement is effective upon approval by the BIA and expires on this date: \_\_\_\_\_  
(date is not to exceed two years from Owner signature date)

**Agreed by Owner:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Owner)

\_\_\_\_\_  
Print Name  
Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Agreed by the Quapaw Tribe of Oklahoma and the United States Environmental Protection Agency:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

Document Control Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

Approved pursuant to authority delegated by 209 DM 8, 230 DM 1, 3 IAM 4:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name  
Regional Director, Eastern Oklahoma  
Region, Bureau of Indian  
Affairs/Superintendent, Miami Agency,  
Bureau of Indian Affairs

Addendum

Allotment:

Allottee Number: \_\_\_\_\_

Property Description:

Chat Identification:

Owner % Allocation Chat: \_\_\_\_\_

Owner % Allocation Property: \_\_\_\_\_